

EXHIBIT

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IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

JOHN BRADLY BARRINEAU,)	CIVIL ACTION NO. CV05-0028
)	
Plaintiff,)	
)	
vs.)	
)	
PROMARINE TECHNOLOGY and)	
CABRAS MARINE CORPORATION,)	
)	
Defendants.)	

DEPOSITION TRANSCRIPT

OF

JOHN BARRINEAU

February 20, 2007

COPY

PREPARED BY:

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CARLSMITH BALL

DATE: 03.29.07 TIME: 10:54am *JS*

1 A If there are two umbilicals, one is in
2 the water, one is on the deck of a fairly small
3 dive vessel, before any valves are shut-off,
4 any valves that especially that might not be
5 marked, follow the umbilicals on the deck first
6 from the valve. And, the one that goes from
7 the valve inside the water will probably have
8 the diver on the other end of it. The one
9 that's on the deck of the boat with the hat is
10 probably the one that there's no diver, so.

11 Q Okay. Well, then, I just learned
12 something that I didn't learn from reading what
13 I read. I mistakenly thought that the second
14 diver, which I'll just call the standby diver -
15 -

16 A No.

17 MR. BERLINE: Well, let Dave finish.

18 BY MR. LEDGER:

19 Q The second hat, which colored mask did
20 you have on? I'll just go out that way. do
21 you remember?

22 A I do not remember.

23 Q Okay. And your answer to my previous
24 question when you said, all one would have to
25 do is follow the umbilical that goes to the man

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1 in the water, and follow the one that goes to
2 the dive suit or equipment that's on the deck,
3 then one would know not to shut-off the valve
4 that controls the hose going into the water.

5 A Correct.

6 Q Okay. From your answer, what I gather
7 is that, the second hose was not leading to a
8 diver in the water, but rather it terminated on
9 the deck of the boat. Is that what you mean by
10 your explanation?

11 A Correct.

12 Q Okay. Are you assuming that that
13 second diver never went in the water or do you
14 know that based on some information that you've
15 come across in one way or another?

16 MR. BERLINE: Objection, vague.
17 David, do we need a time frame? Is that before
18 or after -- does it matter? I'm just saying --

19 MR. LEDGER: Sure, that's fair.

20 BY MR. LEDGER:

21 Q Let me be a little bit more specific.
22 It's that, when this operation commenced, when
23 you went into the water and your intention was
24 to go and scrub the bottom of the Military
25 Sealift Command Ship, the Hauge (phonetic),

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1 when you went in the water to begin that work,
2 do you know whether or not the second mask and
3 umbilical led to a diver in the water? Or, did
4 the equipment terminate on the deck?

5 A I do not know.

6 Q Okay. Okay, fair enough. As I said, I
7 read that the second diver was in the water.
8 After you were able to get back up to the
9 surface and whatever discussions you had with
10 your employer and your co-workers, did that
11 ever come out? Was that ever discussed as to
12 who else may have been in the water when you
13 first went in the water?

14 A No.

15 Q Okay. As far as the individual, what
16 I've read is that the individual who turned the
17 valve that resulted in your air being cut off
18 was Ken Collard; is that correct?

19 A Yes.

20 Q Okay. When we were arranging this
21 deposition, Mr. Berline indicated that you had
22 some plans to leave Saipan in the fairly near
23 future. Do you still have those plans?

24 A Yes.

25 Q Are the plans related to employment or

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ENS

From: stingraydivers@saipan.com
Sent: Thursday, June 16, 2005 11:25 AM
To: [REDACTED]@d14.uscg.mil
Subject: Diving Incident on Guam

Dear Mr. [REDACTED]

I would like to thank the USCG on Guam for their prompt and thorough investigation into the diving incident/injury on Guam on May 22nd 2005 with Pro Marine Technology, Inc. I am convinced that my actions as well as yours are going to save a diver's life in the future. I do have some concerns regarding the events which have taken place.

The incident which occurred on that day resulted in both a physical injury and a psychological injury. I am not sure what the company has told you, but if they claim that there was no injury, well they are simply not telling you the truth. I had blacked out underwater and hit my head on the bilge keel while trying to get back to the surface.

That morning I was in shock at what had happened to me and was just thankful to be alive and able to see my two daughters and wife again, that is all that I thought about. I suffered a trauma to the head, hypoxia, as well as psychological trauma.. I am not sure whether I will ever dive again. I am what they call a whistle blower, and as everyone knows the whistle blower is always left without the chair when the music stops. This was a career ending event which took place. As they told you in your meeting, I was a skilled diver and that is all that had saved me. The company was very worried that day, there is no doubt. They also fired me not too long after they became aware of the investigation.

Pro Marine knew that I was seeking medical treatment, the Harmon Clinic contacted [REDACTED] to ask if I was a "worker's comp case". I called [REDACTED] the lead diver and told him that I had recalled blacking out, a day or two later after the incident. [REDACTED] of course denies that any injury to me occurred on the job. This is a cover up. I was a full time employee for Pro Marine. We work any and all jobs if possible. They hired me out of Saipan, but I was an employee of the company, my checks prove it. Pro Marine was worried about having to file for an injured diver, this means that their insurance premiums go up. No workers comp, no injury means that nothing happens to their bonding and so forth. They will say that I was unhappy for a long time, whatever. I was making good money and paying my bills and not about to quit a good job. Sure, not everyone can get along with [REDACTED], but so what? He was not paying me to be my friend.

In fact, I got them work over here when it was slow on Guam.

[REDACTED] told me that they are taking the necessary steps to ensure a safe working environment for the divers, this a good thing. Let me guess, they said that the black hat was put on the white umbilical, and that is why [REDACTED] shut the air off, right? What difference does it make which color coded umbilical was put on what hat?! All one has to do is follow the hose into the water and figure it out. I am a highly trained experienced commercial diver, I have never seen in my days a diver's valve being shut down at the source, especially the emergency gas supply source. This is called gross human negligence, no matter how much sugar coating is put on it. Yes the company has apologized to the USCG and so forth, but that still leaves the question as to what happens to the guy that just about died and is injured? He gets fired of course! They said that this sort of thing has happened to them a few times...really? How do you know that? They are just blowing smoke. None of them experienced what I did in that type of out of air situation. Having been a diver for a long period of

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time taught me not to panic, that is all that saved me. My kids saved me. They might have said that my air supply was off for only 30 seconds...really? Were they standing there with a stop watch after they turned my air off? I asked [REDACTED] how long, he said 2-3 minutes, can you hold your breath that long under stress and being pulled own by a 120lb hydraulic tool while trying to ditch your gear? They might have said that I did not go down deep, how do they know? Most if not all of my umbilical was in the water, and there are no depth gauges. We know that the flat bottom is approx 37ft deep. They said that they are going on what I said that morning to [REDACTED] and [REDACTED]. I was in shock with a head trauma, they had a duty and responsibility to take me to the hospital, put me on oxygen and transport to the chamber. Wait though, that means that they would have had to report to the USCG and so forth about an injury...

This incident was absolutely preventable. There is no excuse. This type of stupidity is why good divers die in my industry, or get life long disabilities. What would have happened if I had died? It was too close, and part of me did die that day, my ability to be as an effective commercial diver as I was, and I may never dive again. Since the incident I have gotten an MRI, seen a Psychiatrist, talked to the Navy and the USCG, am being referred to see a Neuro psychologist in Honolulu for possible brain damage. I have received no calls from Pro Marine, no letters of apology...nothing. They said that they gave me first aid, iodine and a napkin, what about oxygen? They had some on board, I suffered hypoxia.

I think of divers who have died out there, both commercial and recreational. It happens. Think about the guy that writes on his tank goodbye to his family before he dies, that is what happened to me and I continue to think about it every minute of everyday.

I would also like to add additional medical information for your final report, as well as request through the Freedom of Information Act a copy of the report when it is completed.

Thank you,
[REDACTED]